

REMARKS

This application has been reviewed in light of the Office Action dated June 19, 2009. Claims 1-18 are pending in the application. By the present amendment, Claim 1 has been amended, and new Claim 18 has been added. No new matter has been added. The Examiner's reconsideration of the rejections in view of the preceding amendments and the following remarks is respectfully requested.

Claims 1-17 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has stated that “[i]t is not clear exactly what defines a ‘cellular phone feature’”. Accordingly, Claim 1 has been amended to now recite, *inter alia*, the audio gateway configured to employ a profile to provide at least one of telephone signaling and telephone functions associated with and available through the cellular phone to the at least one residential POTS phone. Support for the preceding amendment may be found at least at page 11, lines 3-9 and page 44, lines 6-15 of the Applicants’ specification. It is respectfully asserted that the preceding amended language is clear and is aligned with the Examiner interpretation as set forth in the pending Office Action.

Moreover, the Applicants respectfully point to MPEP §2173.02, which states in pertinent part:

The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and

(C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made

The applicants assert that the language of claim 1 is clear and definite in light of the current language recited in Claim 1, the content of the present specification, and the claim interpretation that would be given by one skilled in the art. Regarding the content of the present specification, there are numerous places throughout the specification which mention features offered by cellular handsets other than the ability to place and receive phone calls. For example, page 11, lines 3-9 of the Applicants' specification discloses the following:

Also, the present invention advantageously provides the capability for existing home Corded/Cordless phones to make/receive calls, receive Caller ID information of a cell/PCS call, have three party conversation, call Hold, Call duration indication and many other features offered by cell/PCS handset through the TAP.

Additionally, the present invention advantageously provides the capability to distribute data from the cell/PCS network, in the form of Instant Message (IM), MM, and email to any of the residential phones/terminals.

In addition, page 44, lines 6-15 of the Applicants' specification discloses the following:

[T]he audio gateway 116: sends call hang-up notification to cell phone; has the ability to put a call "on hold"; engage in a conference mode operation of the cell/ PCS phone with POTS line; perform Cell/ PCS Call re-routing through POTS line; has the capability to upload/download digital images; has the capability to collect information and control different products and appliances through the cellular network; has the capability to send instant

messages/Multimedia messages; adjusts Audio level (volume); has the ability to put Call on Hold; has the ability to forward a voice message left by the Cell phone Caller to a designated person or group through a computer based dial up or through an independent (stand alone modem) by e-mailing an Wave or MP3 file.

Therefore, Applicants respectfully assert that claim 1 meets the requirements of 35 U.S.C. 112, second paragraph. In addition, since Claims 2-17 were found to be indefinite by virtue of their dependency from claim 1, given the preceding amendments, Applicants believe that Claims 2-17 also conform with the requirements of 35 U.S.C. 112, second paragraph. Accordingly, based on at least the preceding, reconsideration of the rejection is respectfully requested.

Claims 1, 2, 8, 10, 15, and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. US 2006/0019666 to Tell et al. (hereinafter Tell). Claims 3-7, 11-14, 17, and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tell.

As noted above, Claim 1 has been amended. Support for the amendment to Claim 1 may be found at least with respect to Figure 44 and the text in the Applicants' specification corresponding thereto.

It is respectfully asserted that Tell does not teach or suggest the following limitations recited in Claim 1:

a Subscriber Line Interface Circuit (SLIC) for interfacing audio from the cellular phone network to the at least one residential POTS phone;

a line switcher, directly connected to said SLIC, for connecting the at least one residential POTS phone to any one of a POTS line or a cellular line; and

an audio gateway, directly connected to said SLIC, for wirelessly receiving the audio from a cellular phone connected to the cellular phone network for subsequent transmission to the at least one residential POTS phone and for wirelessly transmitting the audio from the POTS line to the cellular phone, the audio gateway configured to employ a profile to provide at least one of telephone signaling and telephone functions associated with and available through the cellular phone to the at least one residential POTS phone,

wherein the line switcher, the SLIC and the audio gateway are located at a same location as the at least one residential POTS phone.

Initially, the Examiner is reminded of the following. “A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added).

Moreover, “[t]he identical invention must be shown **in as complete detail** as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). **The elements must be arranged as required by the claim** ... (MPEP §2131 citing *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (emphasis added)).

In the instant case, ON ITS FACE, the proposed rejection of Claim 1 set forth in the Office Action fails to address each and every limitation recited therein. For example,

the specific connections between the elements and so forth are not even addressed in the Office Action.

Hence, given the preceding relating to omitted claim limitations, it is respectfully asserted that the Examiner has not set forth a prima facie rejection of Claim 1 in the first place.

Moreover, in the instant case, it is respectfully pointed out that the word "SLIC", which is explicitly recited in numerous places in Claim 1, including with respective structural limitations (e.g., connections) associated therewith, does NOT appear even once in the entire disclosure of Tell.

Nonetheless, the Examiner has asserted that the POTS phone disclosed in Tell "inherently requires a SLIC". The Applicants respectfully disagree, given the absence of the same in Tell.

However, assuming *arguendo* that Tell does include a SLIC, such SLIC clearly is not a significant or *even notable* part of his invention, given its complete absence from Tell's disclosure. In contrast, the subject matter of Claim 1 explicitly includes a SLIC as a part thereof.

Further, without any disclosure at all relating to a SLIC, the Applicants respectfully point out that it would seem impossible for the Examiner to *concretely* state what such NON-disclosed SLIC in Tell would be connected to had it been disclosed in Tell.

Hence, given the preceding relating to the recited SLIC, it is respectfully asserted that the Examiner has not set forth a prima facie rejection of Claim 1.

Also, while Claim 1 now recites, *inter alia*, “wherein the line switcher, the SLIC and the audio gateway are located at a same location as the at least one residential POTS phone”, the network interface device 115 (arguably the interface mentioned by the Examiner in the rejection of Claim 1) and the soft switch 119 (also arguably the interface mentioned by the Examiner in the rejection of Claim 1, as such rejection does not clearly specify which element in Tell by reference numeral, and soft switch 119 is disclosed as an “interface” in paragraph [0021] of Tell) clearly are located REMOTE FROM the POTS phone (e.g., the soft switch 119 is located on a NON-SUBSCRIBER-SIDE of the PSTN 117 in Figure 1 of Tell).

Hence, given the preceding relating to the locations of the recited SLIC, the line switcher, and the audio gateway being at a same location as the at least one residential POTS phone, contrary to the disclosure of Tell, it is respectfully asserted that the Examiner has not set forth a prima facie rejection of Claim 1 as not all the claim limitations are shown in the cited reference.

Additionally, while Claim 1 recites, *inter alia*, “a line switcher, directly connected to said SLIC ...; and an audio gateway, directly connected to said SLIC...”, it is clear that the soft switch 119 of Tell is NOT directly connected to a SLIC (presuming a SLIC is even part of the invention of Tell in the first place given the complete lack of even mentioning a SLIC once in Tell). Moreover, given the complete absence of any disclosure of a SLIC in Tell, it is unclear whether the NID 115 disclosed in Tell would be connected to the *un-disclosed* SLIC.

Hence, given the preceding relating to the recited direct connections between the SLIC, the line switcher, and the audio gateway, contrary to the disclosure of Tell, it is

respectfully asserted that the Examiner has not set forth a prima facie rejection of Claim 1 as not all the claim limitations are shown in the cited reference.

Therefore, applicants respectfully assert that Claim 1 is patentably distinct and non-obvious over Tell for at least the reasons mentioned above.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Claims 2-17 directly or indirectly depend from Claim 1 and, thus include all the limitations of Claim 1. Hence, Claims 2-17 are patentably distinct and non-obvious over Tell for at least the same reasons as set forth above with respect to Claim 1.

Reconsideration of the rejections is respectfully requested.

Moreover, as noted above, new Claim 18 has been added. Support for Claim 18 may be found at least at page 11, lines 7-9 of the Applicants' specification. It is respectfully asserted that Tell does not teach or even remotely suggest “wherein telephone functions associated with and available through the cellular phone comprise instant messaging” as recited in Claim 18. Rather, Tell is completely silent with respect to the same, and does not include even one occurrence of “instant message” or “instant messaging”.

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of June 19, 2009 be withdrawn, that pending Claims 1-18 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account 07-0832.

Respectfully submitted,
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